



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,300	01/05/2005	Jorg Ewert	P16776-US1	5072

27045 7590 10/03/2006

ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR C11
PLANO, TX 75024

EXAMINER

APPIAH, CHARLES NANA

ART UNIT	PAPER NUMBER
----------	--------------

2617

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/520,300

Applicant(s)

EWERT ET AL.

Examiner

Charles N. Appiah

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/26/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 26 May 2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner and made of record.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 22, 23, 25, 26, 28, 30-32, 34 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Trask (5,945,919).

Regarding claims 22, 28 and 31 Trask discloses a method, a mobile device and a server for enabling one or more location service clients (304a-304d) to contact a user of a mobile device (300), wherein the method comprises the steps of: selection of at least one authorized location service client (LCS) type on the mobile device (customer making dispatch request, col. 5, lines 19-31, col. 6, lines 33-41), transmission of one or more type identifiers from the mobile device to a server in a telecommunication system, the one or more type identifiers identifying the selected at least one authorized LSC type (customer making dispatch request to DFVA, see col. 6, lines 33-41), analyzing of the type identifier by the server to determine one or more LSCs associated with the selected type(DFVA system automatically answers the

customer and informs the customer that the request is being processed, see col. 6, lines 42-63), determining of at least one address of the one or more LSCs associated with the selected type (determination of the most appropriate available taxi to respond to the dispatch request, see col. 7, line 50 to col. 8, line 24), and sending information from the server to the at least one address of the one or more LSCs associated with the selected type, the information enabling the one or more LSCs to contact the mobile device (customer being communicatively transferred to the driver of the most appropriate vehicle, see col. 8, lines 25-48).

Regarding claims 23 and 32, Trask further discloses the step of sending location information associated with the mobile device to the at least one address of the one or more LSCs associated with the selected type (determination of location caller used in determining the fastest/nearest responding vehicle in relation to the caller, see col. 7, lines 6-43).

Regarding claims 25 and 34, Trask further discloses the step of comparing location information associated with the mobile device and location information associated with the one or more LSCs, wherein the sending of information enabling contacting of the mobile device by the one or more LSCs is restricted to those LSCs whose location information matches the location associated with the mobile device (see Fig. 6, steps 600-606 and steps 202-208 of Fig. 2).

Regarding claims 26 and 35, Trask further discloses wherein the location information associated with the mobile device is the current location of the mobile device (see step 206 of Fig. 2).

Regarding claim 30, Trask further discloses wherein at least the transmission of the type identifier is executed in a mobile originated location request message (see step 202, Fig. 2).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 24 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trask as applied to claims 22 and 31 above, and further in view of Ur (6,615,046).

Regarding claims 24 and 33, Trask fails to explicitly teach determining that a threshold number has been reached, the threshold number indicating a limit for a number of the LSCs and limiting to the threshold number the number of the one or more LSCs to which the information is sent.

In an analogous field of endeavor, Ur discloses a method for establishing a connection between a client and one of a plurality of providers of a service, wherein in addition to the most-suitable-provider, a plurality of other appropriate providers of the

service termed suitable-providers are also determined and assigned priorities using variables such as distance to client and idle time of each provider (see col. 5, line 56 to col. 6, line 4), which constitute a threshold number indicating a limit number for the LSCs to which the information is sent.

It would therefore have been obvious to one of ordinary skill in the art to combine Ur's prioritized service provisioning method with Trask's dispatch system in order to ensure that a request for service is always fulfilled in a quality manner.

7. Claims 27, 29 and 36 rejected under 35 U.S.C. 103(a) as being unpatentable over Trask as applied to claims 22, 28 and 31 above, and further in view of Calvert (6,526,275).

Regarding claims 27 and 36 Trask fails to explicitly teach wherein a charging data record is created to charge the one or more LSCs to which the information enabling the contacting of the mobile device is sent.

In an analogous field of endeavor, Calvert discloses a method for informing a user of a communication device where to obtain a desired product, additional consumer information is provided, which enables the product providers to determine the likelihood that a device user will actually purchase or otherwise obtain their products and, therefore, whether to or not to expect financial return or other benefit from the cost of advertising their products to the device user (see col. 9, lines 16-34, col. 14, lines 30-67), which shows being able to charge the providers for contacting the device users.

It would therefore have been obvious to one of ordinary skill in the art to ensure the capability of revenue generation through product advertisement to mobile users by service providers.

Regarding claim 29, Trask fails to explicitly teach wherein one or more of the authorized LSCs are indicated on the mobile device.

Calvert teaches wherein receipt of responses from product providers, generation of the provider list and display instructions, are provided to a communication device based on the device's location (see col. 10, lines 50-65).

It would therefore have been obvious to one of ordinary skill in the art to provide for the indication of service providers information to a subscriber in order to allow subscribers the option of selecting desired services from a list of service providers.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ennis (US 2003/0054837) discloses a system for managing callers to mobile resources.

Tendler (7,050,818) discloses a location based service request system.

Ayed (6,756,913) discloses a system for automatically dispatching taxis to client locations.

Lee (US 2004/0177109) discloses a method for automatic connection service for taxis using a communication network.

Art Unit: 2617


Ricard (US 2003/0020637) discloses a process for making it possible to select a taxi from a fleet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Appiah whose telephone number is 571 272-7904. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CA


CHARLES APPIAH
PRIMARY EXAMINER